

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

US SECRETARY OF DEFENSE,

Respondent.

Case No. C13-162-MJP-BAT

**REPORT AND
RECOMMENDATION**

Bar-order litigant John Demos has filed an application to proceed *in forma pauperis* with a proposed 28 U.S.C. § 2254 habeas petition.¹ (Dkts. 1, 10.) An Order of this Court provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

As petitioner has submitted no filing fee, the Court recommends that, pursuant to the Court's Order of March 13, 1997, the Clerk be **DIRECTED** to return petitioner's submissions without filing them, and to strike any pending motions as moot. A proposed Order is attached.

The Clerk is directed to send a copy of this Report and Recommendation to Mr. Demos

¹ Although Mr. Demos attempts to bring this action via 28 U.S.C. § 2241, it is clear that he brings a § 2254 petition. Mr. Demos is a state prisoner who challenges the validity of his state convictions in the 1970s. (Dkt. 1 at 2.)

1 and to the Honorable Marsha J. Pechman. Any objections to this Recommendation must be filed
2 no later than **April 11, 2013**; the matter will be ready for the Court's consideration on **April 12,**
3 **2013**. Objections and responses shall not exceed five pages. The failure to timely object may
4 affect the right to appeal.

5 DATED this 21st day of March, 2013.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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